

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JOHNATHAN E BROWN
Claimant

APPEAL NO. 09A-UI-00532-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

OC: 11/02/08 R: 04
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Johnathan E. Brown filed a timely appeal from an unemployment insurance decision dated January 9, 2009, reference 02, that disqualified him for benefits upon a finding that he had voluntarily left employment with Temp Associates. After due notice was issued, a telephone hearing was held January 29, 2009 with Mr. Brown participating. Account Manager Jennifer Starr participated for the employer.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Johnathan E. Brown was employed as a temporary assignment worker by Temp Associates from July 28, 2008 until October 31, 2008. He last worked on assignment at Keith Parts. The assignment ended on October 31, 2008. Mr. Brown contacted Deb Purdue at the Temp Associates office for reassignment. He turned down an assignment in Mt. Pleasant that met his salary requirements because he was moving to the Iowa City area. Work was available had he not resigned.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The claimant has the burden of proof. See Iowa Code section 96.6-2. An individual who resigns from employment in order to move to a new locality leaves work without good cause attributable to the employer according to 871 IAC 24.25(2). Since Mr. Brown left work under these circumstances, benefits must be withheld.

DECISION:

The unemployment insurance decision dated January 9, 2009, reference 02, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs